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Emerson & Skeriotis
One Cascade Plaza
Fourteenth Floor
Akron, OH 44308

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OFFICE OF PETITIONS

In re Application of
Patrick Horner
Application No. 09/735,006
Filed: December 12, 2000
Attorney Docket No. 0788.0005

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 7, 2002, which set a shortened statutory period for reply of three (3) months. A three(3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 8, 2002.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

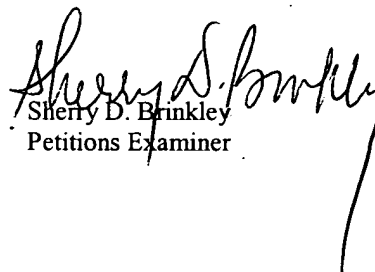
A Request for Continued Examination (RCE) filed November 5, 2002, was not accompanied by a submission as required by 37 CFR 1.114. The amendment filed January 13, 2003 is being construed as the submission required under 37 CFR 1.114 for the RCE filed November 5, 2002.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry D. Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2800, Art Unit 2833 for processing the Request for Continued Examination under 37 CFR 1.114, filed on November 5, 2002.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Sherry D. Brinkley
Petitions Examiner